

A MEMORIAL

FROM

TWO HUNDRED AND SEVEN INHABITANTS

OF THE

District of Columbia,

PRAYING RELIEF

FROM

Certain Disfranchisements and other Grievances

THEREIN STATED.

JANUARY 26, 1824.

Read, and referred to the Committee for the District of Columbia.

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MEMORIAL

OF THE MEMBERS AND MEMBERS ELECTED

OF THE HOUSE OF REPRESENTATIVES

AND

STATE

MEMORIAL.

The undersigned, inhabitants of the District of Columbia, beg leave, respectfully, to call the attention of Congress to the present peculiar condition thereof.

When the existing constitution of the United States was formed, it was not believed, as it could not be intended, that either the general convention which prepared it, or the convention of the states which adopted it, possessed the power, by an instrument, one of the declared objects of which was "*to secure the blessings of liberty to ourselves and our posterity*," to disfranchise any portion of the citizens thereof. Therefore, that clause which grants to Congress "power to exercise exclusive legislation in *all cases whatsoever*, over such district, not exceeding ten miles square, as may, by cession of particular states, and the acceptance of Congress, become the seat of the government of the United States," or any other clause, could not have been intended to confer a power to destroy that liberty which the constitution was framed to protect.—Yet a construction has been given to this constitution, by the Supreme Court of the United States, and by the courts of many, if not all, the States, which places the inhabitants of the District of Columbia, in some of the most important particulars, in a state of alienage and vassalage, as to the rest of the nation: while, for all the purposes of revenue and military service, they are subject, though unrepresented in Congress, or in any state legislature, to every tax, either direct or indirect, and to every other burthen, which that body can impose on their constituents. The undersigned need not call to your recollection, that the imposition of taxes by the British Parliament, on these states, then British colonies, in which they were not represented, was the cause of their separation from the parent country—it being held by the founders of our republic, that taxation and representation should ever accompany each other: this principle forming the fundamental and only sure basis of free government.

That, in all these respects, the inhabitants of the District of Columbia have been deprived of some of the most precious and essential rights appurtenant to freedom, the undersigned need only refer, 1st, To the tax laws of the United States; 2d, To the decision of the Supreme Court of the United States, that an inhabitant of the District of Columbia cannot bring a suit against a citizen of any state, in the Circuit Court of the United States for such state—while a citizen of every state can sue a citizen of the District of Columbia in the Circuit Court of the United States for said District: and, 3d, To the refusal, by the courts of some, if not all the states, to allow to the re-

cords of the Circuit Court of the District of Columbia, the same force and validity which is allowed to the records of every state in the Circuit Court of that district, and to the records of every state in the courts of every other state in the Union, and of the United States—constructions which have produced the most manifest injustice and heavy injuries to some of the inhabitants of the District of Columbia, compelling them either to abandon their dwellings within it, and to remove to some state, to enable them to obtain justice; or, to subject themselves, in the prosecution of their rights, to the most vexatious delays and oppressive exactions.

The undersigned will now briefly state some other inconveniences, the mischievous effects of which are more generally felt, and which might not exist, if the District of Columbia was represented in a legislature by which their laws were made. For, it seems hardly possible for any legislators, not chosen by, and intimately acquainted with, the people for whom they act, and with all their wants, to execute this important duty with knowledge, wisdom, and propriety. If any such body could accomplish this task, there was reason to expect, from one so enlightened as Congress, long before this period, the establishment of the most liberal, just, and humane, system of jurisprudence, both in civil and criminal cases, extant in the world, and worthy of this free and great nation. Instead of which, two distinct codes, civil and criminal, have been adopted for the two counties, of which the District consists, with all their imperfections, such as they existed twenty-three years ago, in the states of Virginia and Maryland, for they have since received no material alterations—certainly no substantial improvements: A system, in civil matters, onerous, expensive, productive of litigation, demoralising, and replete with oppression; and in criminal, unequal, and in many instances cruel and debasing.

From these causes, and the evils emanating from them, there can be no inducement to any individual, who can get a foot-hold in any of the states, to make a permanent settlement in the District of Columbia. Therefore, few now seek such an abode in it—none, in fact, come to it, except such as are induced, by some temporary employment, and the salaries or wages which they receive from the Government, or in pursuit of some immediate transient profit; while, on the other hand, many of the most intelligent and wealthy residents abandon it, for some of the states, where they may enjoy the rights of free citizens, and participate in the government of the country which they inhabit, and claim a due share of all its honors and benefits.

In the civil administration of justice, it is believed a system might be devised, which would be more effectual than the present, for all its objects, and which would save to the parties and litigants one-half of the excessive charges which are now exacted from them; and that a proper criminal code, aided by a well-conducted penitentiary, might be introduced—more humane and salutary in its effects on the culprits, and at the same time save almost all the enormous sums now paid by the nation for the punishment and prevention of crimes. It is but too true, that, in every community, the vices of its first organization are

apt to increase with time, till they become so riveted, by use and habit, as at last not to admit of a remedy. The longer, therefore, that the District of Columbia shall remain in its present condition, the more difficult will it be found to provide and apply proper correctives; and, whenever applied, the application must be made by the supreme paramount authority of the Congress of the United States.

The undersigned, therefore, cannot discern any chance of lessening or removing the evils of their condition, or preventing their increase, but from the immediate, serious, and faithful exertion of the wisdom of that body in this case; especially by providing that the District shall be restored to rights, in relation to the states, of which it has been so long deprived, and adopting some plan by which its civil jurisprudence may be progressively improved; justice more cheaply and certainly rendered; and litigation diminished; and the criminal code mitigated, and conformed to the humane age in which we live, by apportioning punishments to offences; and, if some of these reforms be regarded as beyond the scope of the legislative powers of Congress, then, by proposing such amendments to the constitution of the United States, as shall hereafter secure to the inhabitants of the District of Columbia equal rights in every state, a territorial government, and representation in the House of Representatives of the United States on an equal footing with other territories; and, whenever its population shall amount to that of the smallest states, a representation in both Houses of Congress, on an equality with every state; or, by adopting such other measures, consistent with the safety, prosperity, freedom, and equal rights of the inhabitants of the District of Columbia, and with the general interests and honor of the nation, as Congress, in the plenitude of its wisdom and power, may be able to devise.

But, while the undersigned forbear to enter into a more full and minute enumeration of the evils incident to their peculiar condition—unlike that of any community claiming to be free—they beg leave distinctly to state, that they must object to the adoption of any plan, which shall impose on the District of Columbia, as long as it shall be held and governed as a territory, any burthens for the support of such government; and to insist that all such charges shall be defrayed, in relation to it, as they are in relation to every other territory, out of the Treasury of the nation: and more especially ought this to be done, as to it, when the vast value of the property held by the United States in it is taken into view, much acquired without price; and that this property is not taxed, but, if taxed, as is the property of the individual inhabitants, would yield a revenue more than adequate to defray all the expenses incident to such a government: and furthermore, that the value of this property must increase with the growth and prosperity of the District.

It does seem, therefore, mere justice, that, in consideration of this exemption from taxation, that the nation should defray the necessary charges of a proper territorial government over the same, as long as it shall remain a territory.

All of which is respectfully submitted.

